

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

JOHN DOE,

Plaintiff,

v.

BUTLER UNIVERSITY,

Defendant.

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Case No. 1:22-cv-01828-SEB-MG

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**DECLARATION OF ANDREW T. MILTENBERG IN SUPPORT OF PLAINTIFF'S  
MOTION TO PROCEED UNDER PSEUDONYM**

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**ANDREW T. MILTENBERG, ESQ.** hereby declares subject to the penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am admitted to practice in the courts of the State of New York and am a member of the Bar of the New York Courts. I am the managing partner of Nesenoff & Miltenberg, LLP, attorneys for the Plaintiff, John Doe ("Plaintiff").

2. I submit this declaration in support of Plaintiff's *Ex Parte* Motion to Proceed Under Pseudonym.

3. In the instant action, Plaintiff seeks redress due to the actions, inactions, omissions, errors, flawed procedures and/or overall failure of Defendant Butler University, by subjecting Plaintiff to an unfair and flawed procedure, which was used by other students to harass and bully Plaintiff after he revealed to them that he is gay.

4. Plaintiff was friends with the other students, and shared a room with one of them, until he revealed to them that he is gay. This revelation led to months of torture, harassment and

bullying, which was spearheaded by the other students, but perpetuated by the University through its flawed disciplinary process.

5. Defendant Butler University knew that the allegations lodged by the bullying students were false and baseless, yet still subjected Plaintiff to an investigation and hearing process that took months and contributed to the constant and relentless harassment and bullying encountered by Plaintiff on Butler University's campus.

6. Ultimately, and not surprisingly, Plaintiff was found not responsible for misconduct. However, when he complained about the bullying and harassment to Butler University's administrators, his complaints were rejected and ignored. Butler University essentially created an unsafe and unfit environment for Plaintiff to live and learn, in violation of its implicit and express promises to Plaintiff.

7. Plaintiff, still a student at Butler University, was unfairly stigmatized, targeted and harassed when he came out to his "friends" as gay and is in fear that the dangerous conduct exhibited by the other students will continue if his name is revealed. Plaintiff is now seeking pseudonym protection to proceed with this suit against Butler University, for fear that revealing his sexual orientation and the underlying facts in a public forum will cause and continue to perpetuate the bullying and harassment that Plaintiff experienced and that led to the filing of this lawsuit.

8. In light of the sensitive nature of the facts of this matter, as set forth in greater detail in Plaintiff's Complaint and the accompanying Memorandum of Law in Support of Plaintiff's *Ex Parte* Motion to Proceed Under Pseudonym, Plaintiff should be permitted to protect his identity by filing the Complaint under a pseudonym.

**WHEREFORE**, the Court should grant Plaintiff's application in its entirety, and should order such other and further relief as the Court deems just and proper.

I declare under the penalty of perjury that the foregoing is true and correct, pursuant to Title 28, United States Code, Section 1746.

**Dated: New York, New York  
September 14, 2022**

/s/ *Andrew T. Miltenberg*  
Andrew T. Miltenberg, Esq.